

stand on their feet and get back a little of their pride.

"Sarge was living in an old pickup truck behind the bar when we first got to know him. When the people in the bar found out he was homeless, they chipped in and bought him a tent."

Sarge proudly moved his new tent to the woods behind the Scramble Dog where, of course, he set it on fire with his hard drinking and endless smoking.

"You know what he did then?" Debbie asks. "His false teeth had been burned in the fire and he brought them to me and asked me to clean them. Can you believe that?"

Well, yes, because it wasn't the last time Sarge would test Debbie's patience.

Look for the rest of the story in this space Friday.

[News & Observer, December 25, 1998]

DENNIS ROGERS: FINALLY, A FAREWELL FOR SARGE

Robert Joseph Burke died in an apartment fire Nov. 5, just another old man who went to sleep with a cigarette in his hand.

Sarge, as he liked to be called, spent his days drinking at the Scramble Dog Inn on Western Boulevard and telling war stories that few people took seriously.

But the stories were true and he had the medals to back them up: the Silver Star, the Bronze Star and two Purple Hearts that proved he was everything he said, a combat-tested Ranger who fought bravely in Korea.

"He was a sweet old man," said Debbie Jernigan, the bar owner who had befriended him. "There was so much kindness in him. And so much bull."

"I had to ban him from the bar several times. He just would not leave the women who came in there alone. I wouldn't put up with mess. But when I'd throw him out, he'd go stand across the street and look at the front door like a sad puppy. I was hard on him sometimes, but he needed that."

Debbie let Sarge eat free when the bar had a charity cookout. She got him medical care. Once she learned that his war stories were true, she fought with the Veterans Administration to get him help. And when he died, she held his hand to help him through the last dark night of his life.

Sarge was dead. But other than Debbie and those who were his family at the bar, nobody seemed to care. His body was taken to the medical examiner's office in Chapel Hill, where it lay unclaimed for several weeks. Desperate, his friend Jerry Rengler called me for help.

I tried, but the bureaucracy would not be moved. That's just terrible, one suit after another said, and then came up with reasons why it was always someone else's responsibility.

Then came Myoshi Jones, who works for Rep. Bob Etheridge of the 2nd district. When I couldn't find anyone in government willing to do the right thing. I did what thousands do every day: I called my congressman. Myoshi, who works in Etheridge's Durham office, was assigned the case.

Standing maybe 5 feet tall and weighing about 100 pounds, she took on the entire government and it was not a fair fight. As a government official said of her later. "Who is that woman? She's chewing on people from one end of town to the other."

"They made me mad," Myoshi said. "They weren't treating that man right. I'm from a military family, and I'm sensitive to veteran issues."

The battle took a month, but on Monday, six weeks after he died, Robert Joseph Burke, American soldier and bona fide hero, was laid to rest in the Sandhills Veterans Cemetery at Fort Bragg. He was interred with the quiet dignity and honor he was due.

Rep. Etheridge, in the classiest move I've seen a congressman make lately, was there to pay his respects. When the brief service was over, Rengler accepted the flag that had covered his remains. He presented it to Myoshi Jones for her untiring efforts.

To all who helped, like Lois Raver, veterans service officer for Orange County, and my neighbor Alex Lee, who took care of the funeral arrangements, my gratitude. Thanks to you, an old soldier, almost forgotten by the nation he served so valiantly, is finally at rest with his comrades.

## INTRODUCTION OF THE PROTECT AMERICAN JOBS THROUGH THE FOREIGN TRADE ANTITRUST IMPROVEMENTS AMENDMENTS ACT OF 1999

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. CONYERS. Mr. Speaker, I am pleased to join with my colleague, Commerce Committee Ranking member JOHN DINGELL, in introducing today the "Protect American Jobs Through the Foreign Trade Antitrust Improvements Amendments Act of 1999." This bill clarifies one of our most important U.S. antitrust laws in order to enshrine the principle that U.S. law reaches anti-competitive foreign cartels, acts, and conspiracies designed to unfairly exclude American products from overseas markets. The principle aim of my bill is to codify the U.S. Department of Justice's current and correct interpretation of the Foreign Trade Anti-trust Improvements Act ("FTAIA") which is embodied in footnote 62 of the International Antitrust Guidelines. The footnote makes it clear that there are no unnecessary jurisdictional or legal roadblocks to challenging anti-competitive acts and conspiracies that take place outside our borders.

We live in an era of economic globalization. Today, America's prosperity depends, not just on vigorous competition within our territorial borders, but on free and fair access to markets in Japan, Europe, Africa, Latin America, China, Russia, and a host of other countries. Anti-competitive practices that block foreign markets to U.S. exporters are just as much a threat to the U.S. economy, as the purely domestic cartels and combinations that the Sherman Act sought to address at the turn of the century.

The opening of global markets has advanced America's current economic prosperity, but it also poses fundamental challenges for U.S. antitrust laws. One example is the U.S. flat glass industry. For the better part of a decade, America's leading flat glass producers have been seeking access to the Japanese market, the biggest and richest in Asia. This isn't a situation where America doesn't have a good product, American companies are leaders in producing and selling high-quality innovative glass products around the world; and in fact, have succeeded in Europe, Asia, the Middle East, Latin America, but not Japan. The fact is that securing distribution effective channels for American glass products has not proved to be a significant barrier to entry in any country but Japan.

My bill aims to address this situation by making an important clarification in the U.S.

antitrust laws that govern jurisdiction over foreign firms. It does not change U.S. antitrust law. Instead, it is designed to codify and clarify U.S. antitrust doctrine. Although most observers would agree that the FTAIA established conclusively that DOJ and U.S. firms have jurisdiction to bring an antitrust case against foreign firms engaged in anti-competitive conduct that harms U.S. exporters, enforcement officials misinterpreted the law and said so in a footnote to the International Antitrust Guidelines. That footnote—footnote 159—created a higher burden for U.S. exporters than Congress intended by requiring that they show harm to U.S. consumers in order to get their day in court. The bill would ensure that the will of Congress and the plain meaning of the FTAIA could never again be misconstrued by the federal antitrust agencies, a foreign litigant or a U.S. court. In doing so, it would assist in breaking down anti-competitive foreign barriers to U.S. exports.

While the correction to Footnote 159 was drafted by Assistant Attorney General Jim Rill in the Bush Administration, it has been fully endorsed by the Clinton Administration. I commend Assistant Attorney Generals Rill, Bingman, and Klein for their strong leadership in strengthening international antitrust enforcement and for bringing cases under the authority of the FTAIA.

By clarifying the jurisdictional requirements of the FTAIA, I hope to encourage the Department of Justice and injured industries to make any necessary use of this important power by challenging cartels, such as those blocking distribution of the U.S. courts, before U.S. juries, under U.S. law.

My bill makes a simple and straightforward point. Anti-competitive foreign cartels and conspiracies are subject to the long arm of U.S. antitrust law. Foreign producers can run...but they can't hide. The global economy may be a reality, but U.S. law applies fully to anti-competitive international cartels, combinations and conspiracies.

This bill already has the support of industry leaders, including Kodak, PP&G Industries, and Guardian International Corporation, and the National Association of Manufacturers. I look forward to working with other interested parties to bring U.S. law into a new era of international economic globalization, and to ensure that American firms and workers have a timely and effective remedy against those who engage in anti-competitive acts designed to exclude American products or services from the international marketplace.

## CELEBRATING THE PRINCIPLES OF KWANZAA—A TRIBUTE TO DR. E. ALMA FLAGG

**HON. DONALD M. PAYNE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. PAYNE. Mr. Speaker, it gives me great pleasure to inform my colleagues of a special event and a special person. In the African American community Kwanzaa, a festive, non-religious celebration, is held reflecting upon our rich heritage. It begins on December 26 and lasts for seven days. Each day focuses on one of seven principles; unity, self-determination, collective work and responsibility,